

104TH CONGRESS
2D SESSION

H. R. 3639

To amend the Federal Water Pollution Control Act.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 1996

Mr. BLUTE (for himself and Mr. FRANK of Massachusetts) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Federal Water Pollution Control Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. GRANTS FOR WASTEWATER TREATMENT.**

4 (a) COASTAL LOCALITIES.—The Administrator shall
5 make grants under title II of the Federal Water Pollution
6 Control Act to appropriate instrumentalities for the pur-
7 pose of construction of treatment works (including com-
8 bined sewer overflow facilities) to serve coastal localities.

9 (b) FEDERAL SHARE.—Notwithstanding section
10 202(a)(1) of the Federal Water Pollution Control Act, the
11 Federal share of grants under subsection (a) shall be 80

1 percent of the cost of construction, and the non-Federal
2 share shall be 20 percent of the cost of construction.

3 (c) SMALL COMMUNITIES.—The Administrator shall
4 make grants to States for the purpose of providing assist-
5 ance for the construction of treatment works and alter-
6 native wastewater treatment systems to serve small com-
7 munities as defined by the State; except that the term
8 “small communities” may not include any locality with a
9 population greater than 75,000. Funds made available to
10 carry out this subsection shall be allotted by the Adminis-
11 trator to the States in accordance with the allotment for-
12 mula contained in section 604(a) of the Federal Water
13 Pollution Control Act.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated for making grants under
16 this section \$300,000,000 for fiscal year 1996. Such sums
17 shall remain available until expended and shall be equally
18 divided between subsections (a) and (c) of this section.
19 Such authorization of appropriation shall take effect only
20 if the total amount appropriated for fiscal year 1996 to
21 carry out title VI of the Federal Water Pollution Control
22 Act is at least \$2,250,000,000.

1 **SEC. 2. TREATMENT WORKS DEFINED.**

2 (a) INCLUSION OF OTHER LANDS.—Section
3 212(2)(A) of the Federal Water Pollution Control Act (33
4 U.S.C. 1292(2)(A)) is amended—

5 (1) by striking “any works, including site”;

6 (2) by striking “is used for ultimate” and in-
7 serting “will be used for ultimate”; and

8 (3) by inserting before the period at the end the
9 following: “and acquisition of other lands, and inter-
10 ests in lands, which are necessary for construction”.

11 (b) POLICY ON COST EFFECTIVENESS.—Section
12 218(a) of such Act (33 U.S.C. 1298(a)) is amended by
13 striking “combination of devices and systems” and all that
14 follows through “from such treatment;” and inserting
15 “treatment works;”.

16 **SEC. 3. COMBINED SEWER OVERFLOWS.**

17 Section 402 of the Federal Water Pollution Control
18 Act (33 U.S.C. 1342) is amended by adding at the end
19 the following:

20 “(q) COMBINED SEWER OVERFLOWS.—

21 “(1) REQUIREMENT FOR PERMITS.—Each per-
22 mit issued pursuant to this section for a discharge
23 from a combined storm and sanitary sewer shall con-
24 form with the combined sewer overflow control policy
25 signed by the Administrator on April 11, 1994.

26 “(2) TERM OF PERMIT.—

1 “(A) COMPLIANCE DEADLINE.—Notwith-
2 standing any compliance schedule under section
3 301(b), or any permit limitation under section
4 402(b)(1)(B), the Administrator (or a State
5 with a program approved under subsection (b))
6 may issue a permit pursuant to this section for
7 a discharge from a combined storm and sani-
8 tary sewer, that includes a schedule for compli-
9 ance with a long-term control plan under the
10 control policy referred to in paragraph (1), for
11 a term not to exceed 15 years.

12 “(B) EXTENSION.—Notwithstanding the
13 compliance deadline specified in subparagraph
14 (A), the Administrator or a State with a pro-
15 gram approved under subsection (b) shall ex-
16 tend, on request of an owner or operator of a
17 combined storm and sanitary sewer and subject
18 to subparagraph (C), the period of compliance
19 beyond the last day of the 15-year period—

20 “(i) if the Administrator or the State
21 determines that compliance by such last
22 day is not within the economic capability
23 of the owner or operator; and

24 “(ii) if the owner or operator dem-
25 onstrates to the satisfaction of the Admin-

1 istrator or the State reasonable further
2 progress toward compliance with a long-
3 term control plan under the control policy
4 referred to in paragraph (1).

5 “(C) LIMITATION ON EXTENSIONS.—Not-
6 withstanding subparagraph (B), the Adminis-
7 trator or the State need not grant an extension
8 of the compliance deadline specified in subpara-
9 graph (A) if the Administrator or the State de-
10 termines that such an extension is not appro-
11 priate.

12 “(3) SAVINGS CLAUSE.—Any consent decree or
13 court order entered by a United States district
14 court, or administrative order issued by the Admin-
15 istrator, before the date of the enactment of this
16 subsection establishing any deadlines, schedules, or
17 timetables, including any interim deadlines, sched-
18 ules, or timetables, for the evaluation, design, or
19 construction of treatment works for control or elimi-
20 nation of any discharge from a municipal combined
21 storm and sanitary sewer system shall be modified
22 upon motion or request by any party to such consent
23 decree or court order, to extend to December 31,
24 2009, at a minimum, any such deadlines, schedules,
25 or timetables, including any interim deadlines,

1 schedules, or timetables as is necessary to conform
 2 to the policy referred to in paragraph (1) or other-
 3 wise achieve the objectives of this subsection.”

4 **SEC. 4. SPECIFIC REQUIREMENTS FOR CAPITALIZATION**
 5 **GRANTS.**

6 Section 602(b)(6) of the Federal Water Pollution
 7 Control Act (33 U.S.C. 1382(b)(6)) is amended by insert-
 8 ing “(other than the 20 percent limitation contained in
 9 the exception at the end of the last sentence of such sec-
 10 tion)” after “201(g)(1)”.

11 **SEC. 5. WATER POLLUTION CONTROL REVOLVING LOAN**
 12 **FUNDS.**

13 (a) ACTIVITIES ELIGIBLE FOR ASSISTANCE.—Sec-
 14 tion 603(c) of the Federal Water Pollution Control Act
 15 (33 U.S.C. 1383(c)) is amended to read as follows:

16 “(c) ACTIVITIES ELIGIBLE FOR ASSISTANCE.—

17 “(1) IN GENERAL.—The amounts of funds
 18 available to each State water pollution control re-
 19 volving fund shall be used only for providing finan-
 20 cial assistance to activities which have as a principal
 21 benefit the improvement or protection of water qual-
 22 ity of navigable waters to a municipality, inter-
 23 municipal agency, interstate agency, State agency,
 24 or other person. Such activities may include the fol-
 25 lowing:

1 “(A) Construction of a publicly owned
2 treatment works if the recipient of such assist-
3 ance is a municipality.

4 “(B) Implementation of lake protection
5 programs and projects under section 314.

6 “(C) Implementation of a management
7 program under section 319.

8 “(D) Implementation of a conservation and
9 management plan under section 320.

10 “(E) Acquisition of property rights for the
11 restoration or protection of publicly or privately
12 owned riparian areas.

13 “(F) Implementation of measures to im-
14 prove the efficiency of public water use.

15 “(G) Development and implementation of
16 plans by a public recipient to prevent water pol-
17 lution.

18 “(H) Acquisition of lands necessary to
19 meet any mitigation requirements related to
20 construction of a publicly owned treatment
21 works.

22 “(2) FUND AMOUNTS.—The water pollution
23 control revolving fund of a State shall be established,
24 maintained, and credited with repayments, and the
25 fund balance shall be available in perpetuity for pro-

1 viding financial assistance described in paragraph
2 (1). Fees charged by a State to recipients of such
3 assistance may be deposited in the fund for the sole
4 purpose of financing the cost of administration of
5 this title.”.

6 (b) EXTENDED REPAYMENT PERIOD FOR DISADVAN-
7 TAGED COMMUNITIES.—Section 603(d)(1) of such Act
8 (33 U.S.C. 1383(d)(1)) is amended—

9 (1) in subparagraph (A) by inserting after “20
10 years” the following: “or, in the case of a disadvan-
11 taged community, the lesser of 40 years or the ex-
12 pected life of the project to be financed with the pro-
13 ceeds of the loan”; and

14 (2) in subparagraph (B) by striking “not later
15 than 20 years after project completion” and insert-
16 ing “upon the expiration of the term of the loan”.

17 (c) INTEREST RATES.—Section 603 of such Act is
18 further amended by adding at the end the following:

19 “(i) INTEREST RATES.—In any case in which a State
20 makes a loan pursuant to subsection (d)(1) to a disadvan-
21 taged community, the State may charge a negative inter-
22 est rate of not to exceed 2 percent to reduce the unpaid
23 principal of the loan. The aggregate amount of all such
24 negative interest rate loans the State makes in a fiscal
25 year shall not exceed 20 percent of the aggregate amount

1 of all loans made by the State from its revolving loan fund
 2 in such fiscal year.”.

3 **SEC. 6. ALLOTMENT OF FUNDS.**

4 (a) IN GENERAL.—Section 604(a) of the Federal
 5 Water Pollution Control Act (33 U.S.C. 1384(a)) is
 6 amended to read as follows:

7 “(a) FORMULA FOR FISCAL YEARS 1996–2000.—
 8 Sums authorized to be appropriated pursuant to section
 9 607 for each of fiscal years 1996, 1997, 1998, 1999, and
 10 2000 shall be allotted for such year by the Administrator
 11 not later than the 10th day which begins after the date
 12 of the enactment of the table contained in this subsection.
 13 Sums authorized for each such fiscal year shall be allotted
 14 in accordance with the following table:

“States:	Percentage of sums authorized:
Alabama	0.7736
Alaska	0.2500
Arizona	1.1526
Arkansas	0.3853
California	9.3957
Colorado	0.6964
Connecticut	1.3875
Delaware	0.2500
District of Columbia	0.3203
Florida	3.4696
Georgia	2.0334
Hawaii	0.2629
Idaho	0.2531
Illinois	5.6615
Indiana	3.1304
Iowa	0.6116
Kansas	0.8749
Kentucky	1.3662
Louisiana	1.0128
Maine	0.6742
Maryland	1.6701
Massachusetts	4.3755
Michigan	3.8495

“States:	Percentage of sums authorized:
Minnesota	1.3275
Mississippi	0.6406
Missouri	1.7167
Montana	0.2500
Nebraska	0.4008
Nevada	0.2500
New Hampshire	0.4791
New Jersey	4.7219
New Mexico	0.2500
New York	14.7435
North Carolina	2.5920
North Dakota	0.2500
Ohio	4.9828
Oklahoma	0.6273
Oregon	1.2483
Pennsylvania	4.2431
Rhode Island	0.4454
South Carolina	0.7480
South Dakota	0.2500
Tennessee	1.4767
Texas	4.6773
Utah	0.2937
Vermont	0.2722
Virginia	2.4794
Washington	2.2096
West Virginia	1.4346
Wisconsin	1.4261
Wyoming	0.2500
Puerto Rico	1.0866
Northern Marianas	0.0308
American Samoa	0.0908
Guam	0.0657
Palau	0.1295
Virgin Islands	0.0527.”.

1 (b) CONFORMING AMENDMENT.—Section 604(c)(2)
2 is amended by striking “title II of this Act” and inserting
3 “this title”.

4 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

5 Section 607 (33 U.S.C. 1387) is amended—

6 (1) by striking “and” at the end of paragraph
7 (4);

1 (2) by striking the period at the end of para-
2 graph (5) and inserting a semicolon; and

3 (3) by adding at the end the following:

4 “(6) such sums as may be necessary for fiscal
5 year 1995;

6 “(7) \$2,250,000,000 for fiscal year 1996;

7 “(8) \$2,300,000,000 for fiscal year 1997;

8 “(9) \$2,300,000,000 for fiscal year 1998;

9 “(10) \$2,300,000,000 for fiscal year 1999; and

10 “(11) \$2,300,000,000 for fiscal year 2000.”.

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